



Nottingham City Council Planning Committee

Date: Tuesday, 25 May 2021

Time: 2.30 pm

Place: The Ballroom - The Council House, Old Market Square, Nottingham, NG1 2DT

Please see information at the bottom of this agenda front sheet about requirements for ensuring Covid-safety

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4353

- 1 Appointment of Vice Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interests**
- 4 Minutes** 3 - 8
To confirm the minutes of the meeting held on 21 April 2021
- 5 Planning Applications: Reports of the Director of Planning and Regeneration**
Reports of the Report of Director of Planning and Regeneration
 - a 152 London Road Nottingham NG2 3BQ** 9 - 34
 - b Westbridge House Holland Street Nottingham NG7 5DS** 35 - 48
 - c Playworks Alfred Street North Nottingham NG3 1AE** 49 - 62
 - d 450-452 Nottingham Road Nottingham NG6 0FU** 63 - 68

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

Citizens attending meetings are asked to arrive at least 15 minutes before the start of the meeting to be issued with visitor badges

Citizens are advised that this meeting may be recorded by members of the public. Any recording or reporting on this meeting should take place in accordance with the Council's policy on recording and reporting on public meetings, which is available at www.nottinghamcity.gov.uk. Individuals intending to record the meeting are asked to notify the Governance Officer shown above in advance.

In order to hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- remain seated and maintain distancing between seats through the meeting. Please also remember to maintain distancing while entering and leaving the room.
- wear face coverings throughout the meeting.
- make use of the hand sanitiser available and, when moving about the building follow signs about traffic flows, lift capacities etc
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving name and contact details to the Governance Officer at the meeting.

Nottingham City Council Planning Committee

Minutes of the meeting held remotely via Zoom and live-streamed on YouTube on Wednesday 21 April 2021 from 2:35pm to 4:17pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Kevin Clarke
Councillor Maria Joannou
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Toby Neal
Councillor Ethan Radford
Councillor Mohammed Saghir (item 62)
Councillor Wendy Smith
Councillor Cate Woodward

Absent

Councillor Leslie Ayoola
Councillor Lauren O`Grady
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Matthew Grant - Principal Policy Planner
Lisa Guest - Principal Officer, Highway Development Management
Judith Irwin - Senior Solicitor
Adrian Mann - Governance Officer
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Nigel Turpin - Heritage and Urban Design Manager
Councillor Adele Williams - Ward Councillor for Sherwood

59 Apologies for Absence

Councillor Leslie Ayoola - Council business
Councillor Lauren O`Grady - Council business
Councillor Audra Wynter - On leave

60 Declarations of Interests

None.

61 Minutes

The Committee confirmed the minutes of the meeting held on 17 March 2021 as a correct record and they were signed by the Chair.

62 Sherwood Library, Spondon Street, Nottingham, NG5 4AB

Prior to the Committee's consideration of this item, and with the permission of the Chair, Councillor Adele Williams addressed the Committee in her role as a Ward Councillor for Sherwood and made the following points:

- (i) the local residents are broadly welcoming of this development, but wish to ensure that it is sustainable and accessible, and that any negative impacts are mitigated against;
- (ii) residents have requested that the photovoltaic (PV) cells proposed cover a much greater proportion of the roof space, and that a battery storage facility is added; a solar canopy is included for the car park; ground-source heating is used instead of air-source; assurance is given that the insulation is to standards that will support a high aspiration for sustainability; and that maximum use of recycled materials is made;
- (iii) residents have also asked for greater on-site cycle provision that is accessible, safe and secure; the retention of the current electric vehicle (EV) charging points in public spaces and the future-proofing of the public car park so that EV provision can be expanded in the future, as demand grows; and the embedding of support for sustainable transport and active travel into the scheme;
- (iv) for safety, residents request that there are markings on the road to make it clear that drivers should give way to pedestrians on the site, with a car park management plan in place to cover the section of Sherwood between the Hall Street car park and Spondon Street, with the impact on surrounding residential areas assessed. Residents consider that this should be paid for by the developer, so that it is not necessary for funding that would otherwise be spent on road safety across the ward to be diverted to manage the impact of this development;
- (v) some residents have raised concerns upon the potential impact of the retail elements of the proposed development on local businesses;
- (vi) residents request that the development includes a changing places toilet, so that disabled residents are able to visit the library, local retail and leisure facilities.

Martin Poole, Area Planning Manager, introduced application number 20/02688/PFUL3 for planning permission by Hockley Developments Limited for the demolition and reconstruction of the Sherwood Library building and public car park to create a new library, retail unit and 7 flats above, with further development to provide 12 houses, 22 flats and a public car park. The application is brought to the Committee as it is proposed that the planning obligations typically required by adopted planning policies be waived in this case, and because the application has generated significant public interest that is contrary to the officer recommendation.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. This includes a summary of the independent assessment of viability appraisal (as set out more fully at paragraph (l), below) and details from the applicant setting out their energy strategy for the development.

The following points were discussed:

- (a) the application site is comprised of three sites owned by the Council. The Sherwood Library building is a two-storey building on the corner of Mansfield Road, and is currently vacant. It houses three retail units on the ground floor, with the library entrance. The library itself occupies the whole of the first floor. To the east of the library is a former day nursery site comprising a single storey building and associated outdoor space. To the north of this site, across Spondon Street, is a 56-space public car park;
- (b) the Council-owned buildings are considered to be no longer fit for purpose, but it is recognised that the Sherwood Library is highly valued, so it is considered essential that the library remains as part of any new development, provided that it can be delivered at nil capital cost to the Council. As such, following detailed discussions with the Council, the proposed development uses the value of the land in all three sites as set out in the application to create a scheme that is sufficiently viable to include a new Sherwood Library;
- (c) planning permission is sought for the replacement of the library building with a new, three-storey building comprising a retail unit and the glazed library entrance on the ground floor, a new public library on the first floor and seven one-bed flats on the second floor. Parking will be provided to the side and rear of the new library building, accessed from Spondon Street. Two disabled spaces will be dedicated to the library, twelve for the retail operator, four for the flats above, and twenty spaces will comprise a public car park maintained by the Council. Cycle parking and seating will be provided in front of the retail unit;
- (d) the public car park to the north of Spondon Street will be redeveloped with eight detached four-bed houses. Four semi-detached four-bed houses and two blocks of flats will be built on the former day nursery, with twenty-one one-bed flats and one two-bed flat. Eight parking spaces will be provided for the flats, two adjacent to Spondon Street and six at the rear;
- (e) the building materials are representative at this stage, and will be agreed as part of the conditions to planning permission. Red brick has been requested, with designs to reflect the architectural style of the surrounding area in a contemporary way. Natural ventilation is encouraged over mechanical ventilation, and the need for good shading and ventilation will be encompassed by the planning conditions and the Building Regulations;
- (f) the trees on the Mansfield Road frontage will be maintained, but this is not possible for the Spondon Street frontage, so replacement planting elsewhere on the site will be undertaken to compensate for the loss. A condition for the agreement of the landscaping detail is proposed, to achieve greening and softening of the rear elevation in the back car park, and dedicated spaces for landscaping have been identified in the plans;
- (g) the inclusion of a changing places toilet within the library will be an operational matter for the library to consider, and discussions on possible provision are currently underway. However, its establishment is not a requirement of current planning policy. The request from residents for the installation of a solar canopy

also goes beyond the remit of the scheme and cannot be required of the developer as part of the planning permission process;

- (h) negotiations have taken place with the developer as to sustainability. As a result of this, and as set out in the update sheet, the applicant has established that the building will be constructed on a fabric-first approach that will exceed the national standard u-values and air permeability detailed in the Building Regulations Part L2A. By going beyond these standards on both the building fabric and building services, this further reduces the building energy demand and carbon emissions. The use of recycled materials will be considered fully by the developer and construction firms in the context of their own sustainability policies, but cannot be made a requirement under current planning policy;
- (i) the plans have been revised to show 30 square metres of PV cells for the library and 35 square metres of cells for the apartments, with an air-source heat pump located on the roof of the library. Following a review of the available renewable and low-carbon technologies, it has been determined that the most viable solution is a high-efficiency air source heat pump, rather than ground-source. The developer aspires for the site to be fully electric, without a requirement for gas as an energy source, but this will need to be explored through the planning conditions, though the non-use of gas cannot be required through the conditions;
- (j) there will be EV charging provided for all of the houses, in addition to charging points equal to 10% of the number of flats, which meets the requirements of current planning policy. The final detail will be subject to agreement through the planning conditions. Cycle spaces are proposed at the front of the library and retail units, and to the rear of the building, with the confirmation of detail a requirement of the planning conditions;
- (k) the Committee agreed that full consideration must be given to the probable parking impacts of the development across the wider local area. The proposed conditions to planning permission require the production of an effective car park management plan by the developer for the private parking spaces. However, a number of the new parking spaces will be returned to the Council for the provision of a public car park, and this will fall under the Council's management remit. The Council's Highways team is satisfied that the wider impact of the scheme is acceptable;
- (l) as it stands, the scheme does not make provision for a Section 106 contribution. The Council's independent adviser has carried out an assessment of the viability appraisal provided by the developer and has confirmed that the development cannot afford to pay any Section 106 contributions if it is to be viable, due principally to the costs of providing the library;
- (m) the Committee felt that the scheme had improved, and that it was positive that it provided both a library for the local community and new family housing. It welcomed the fact that provision for sustainability had been enhanced, but felt that more could still be done. It requested that full assurance is provided that the development will be sustainable for the future and achieve the climate change objectives of the Council and its partners, and recommended that the developer works with the Council's Carbon Reduction and Sustainability team to achieve as

much for the development as possible. It considered that the developer should work to implement as many of the local residents' requests as it can that are low-cost and viable, within the financial constraints;

- (n) the Committee was advised that, ultimately, the scheme has been subject to a great deal of work and development, and is providing all that it can afford in the context of the practical and financial constraints. The sustainability features now proposed meet the requirements of Council policy and exceed the requirements of the current Building Regulations, with the proposed planning conditions requiring that a BREEAM rating of 'very good' is achieved. As such, the application as presented represents a complete package of viable measures that are acceptable, in planning terms. Other than as it relates to the viability of delivering the development, the value of the land to the future occupiers of the retail units falls outside the remit of the planning system;
- (o) the Committee considered that an amendment to the proposed condition 4e should be made to require the developer to work to maximise energy efficiency and on-site renewable energy generation for the whole development, within their financial constraints, aiming to work towards BREEAM 'excellent'. It hoped that the developer would be able to work with the Council's Energy Services team, to achieve as much for the site's long-term sustainability as possible. It recommended that the external hard surfaces to the development should be uniform rather than block paving, in order to deter weed growth;
- (p) the Committee requested that the detailed information of the six tests to justify imposition of any planning condition is circulated by officers to members, for their information.

Resolved:

- (1) to grant planning permission, subject to the indicative conditions listed in the draft decision notice at the end of the report, and subject to the appropriate amendment of the planning permission, and in particular condition 4e, to require the developer to maximise energy efficiency and on-site renewable energy generation for the whole development, within their financial constraints, aiming to work towards BREEAM 'excellent';**
- (2) to delegate power to determine the final details of the conditions to the Director of Planning and Regeneration.**

Councillor AJ Matsiko requested that his decision to abstain from voting on the above decision was recorded.

Councillor Mohammed Saghir was not present at the time of voting on this resolution.

This page is intentionally left blank

Report of Director of Planning and Regeneration

152-160 London Road, Nottingham, NG2 3BQ

1 Summary

- Application No: 20/02756/PFUL3 for planning permission
- Application by: CBP Architects on behalf of C&T Bailey Properties
- Proposal: Erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities.

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations. In addition it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should have been determined by 12th April 2021. An extension of time has been agreed with the applicant until 30th May 2021.

2 RECOMMENDATIONS

- 2.1 To GRANT PLANNING PERMISSION subject to:-
 - (a) the prior completion of ecological survey work and the Director of Planning and Regeneration, in consultation with the Biodiversity Officer, being satisfied that any potential impacts of the development on protected species, can be avoided or mitigated sufficiently by appropriate measures including additional conditions if necessary;
 - (b) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report and any further conditions arising from the further ecological survey work.
- 2.2 Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

3 SITE AND BACKGROUND

- 3.1 The site is located to the west of London Road and east of Meadows Way, forming an island between the two.
- 3.2 To the west lies the Portland Leisure Centre and residential properties on Radcliffe Street, Lamcote Street, Meadows Way and Arkwright Walk; a new development has recently been constructed along Arkwright Walk that includes a 4 storey apartment building at its southern end, opposite the application site. There are treed/landscaped areas immediately to the north and south, the Turneys Quay

residential development and Trent Bridge to the southeast and the canal to the east, with the mixed use industrial residential area of Meadow Lane beyond.

- 3.3 The southern half of the site is a former Petrol Filling Station (PFS) currently used as a car wash, whilst the northern half has been cleared for redevelopment; it was formerly occupied by a restaurant and public house. Ryehill Street is a short one way street from Meadows Way to London Road that encloses the northern site boundary.
- 3.4 The canal bridge located on the opposite side of London Rd is Grade II listed and although not directly adjacent to the site, the Meadows Conservation Area is to the south/southwest.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for an apartment scheme comprising 67 x 1 bed units, 32 x 2 bed and 1 x 3 bed (100 in total). The scheme also incorporates a reception, gym, café and restaurant at ground floor level, along with a bin store, disabled parking and on-site facility for delivery vehicles. A basement car park accommodates 71 parking spaces, all with electric vehicles charging points (EVCPs), accessed from Ryehill Street. Cycle parking is provided at both ground floor and basement levels. 2 x 1100 litre bins would be provided for commercial units and 16 x 1100 litre bins for the apartments.
- 4.2 The proposed building rises from 3-5 stores at the southern and western edges of the site, to 9 stories at its north eastern corner. The design incorporates large south and west facing terraces for the adjacent apartments as the upper floors recede, along with a combination of projecting and recessed balconies serving all other apartments throughout the building. In addition to the opportunity for roof top vegetation provided by the terraces, the design also incorporates 'living walls' and planting boxes to the balconies.
- 4.3 Photovoltaic panels are proposed for the roof of the 9th floor.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

55 Neighbouring properties were notified by letter, a site notice posted and press notice published. The overall expiry date was 13 February 2021.

26 letters of correspondence have been received – 24 letters of objection and 2 letters in support of the proposal. Comments have also been received from the Nottingham Civic Society, Nottingham Local Access Forum, Extinction Rebellion Nottingham and MOZES (the Meadows Community Energy Group).

The following concerns have been raised:

- The proposal would be imposing upon the Meadows and Nottingham's wonderful stretch of the Trent Valley
- The building's height is out of character for the area. The plot undoubtedly needs regenerating, but a 9 storey building in the Meadows is out of keeping with the precedent set by all adjacent buildings. Most buildings are up to 4 stories tall and it feels that the development should be in keeping with this
- The development would block sunlight and take away privacy

- The proposed height would spoil and ruin the historical long views of Nottingham's famous landmarks
- The addition of a gym would have an impact on the local Portland leisure centre. This will have an effect and may make the Portland leisure centre not viable, thus having a negative effect on health and wellbeing
- The proposal will increase pollution in the area
- The proposed development will be a blot on the landscape and spoil the beauty of this area. It will impact on the visual aesthetic of the area
- The building may restrict light to neighbouring buildings and contribute to light pollution at night
- It may obscure a view of traffic when entering London road. The building is set very close to the main road and it may need to be set back to allow for clearer vision along the main road for both cyclists and road users
- Having restaurants and a gym on such a main road without adequate parking will cause issues for local residents and noise disturbance
- The building borders a conservation area and should attempt to be sympathetic to this
- These will not to be social housing but housing for the rich, or students, like most of the housing that seems to be built in Nottingham
- The proposal does not take into consideration the level of traffic and congestion and will contribute to this. The car parking may become an issue as will the collection of refuse. It could interfere with bus routes, cycle routes and the ease and safety of pedestrians
- This is a development designed on greed rather than taking into consideration the quality of life and environment of those who live in this area and visit the embankment. It will especially impact the new dwellings in the Meadows
- Residents on the upper floors may be able to look into my garden and/or downstairs windows, which leaves very little privacy. The height of the building may restrict light into my garden, due to their being a very large tree to the right of my property which blocks the sun
- The roof garden and other additional landscaping within the structure would have to be kept in good condition in order to maintain its aesthetic value. Judging by other new property within the city and locale which has had landscaping adjacent or within the structure (new flats on Arkwright Walk, student flats at Kaplan Living, Bromley Place), there is no guarantee that this could be accomplished
- Additional food/bar/retail outlets in this area will have a detrimental effect in terms of noise and disturbance late at night around the bus stops adjacent to Turneys Court, which could be intolerable for residents
- The proposed designs look dated and cheap. The brick isn't red which Nottingham is known for, the greenery looks disgusting, is so over used and looks cheap and tatty. All the metal work on the sides look like Victoria Centre and not in a good way, and will probably rust like the horrible flats facing the train station
- It is completely unacceptable to expect people to live on a traffic island. Traffic islands should be categorically ruled out for residential development. It would be fine for the proposed businesses, though. The future residents will be subjected to the full traffic noise and the fumes

Comment of support:

- Approve the scheme as the Meadows need urban regeneration projects

The Civic Society commented as follows:

Nottingham Civic Society has reservations about the scale which isolates the form of the proposed development on such a prominent site. This will be the building that will be seen upon entering the city from Trent Bridge. However, its design does not live up to its location. The site cannot be considered in isolation from the edge of The Meadows and the potential for Arkwright Street to be re-created as a direct thoroughfare linking Trent Bridge with the city centre core.

The City Centre Urban Design Guide excluded this site from the 'Zone of Reinvention' which encompasses the eastern side of London Road and to some extent allowed greater freedom for a fresh approach in Regeneration Zones, precisely because this application site has a relationship to the domestic scale of The Meadows and the need for sensitivity in recreating Arkwright Street as a pedestrian corridor.

The supporting material with the application states that the Urban Design Guide's 'Vista E', which safeguards the existing long view of Nottingham Castle from Trent Bridge, would be maintained because the view corridor has informed the disposition of the building's mass in the design process. No images are provided to back up this assertion though. Whilst the building's mass is lower on the Meadows-facing side, the nine-storey bulk of the main structure would overwhelm the Meadows housing nearby and adversely affect the settings of heritage assets locally, including the Grade II listed 220-year old canal bridge at Meadow Lane directly opposite the site. The Design and Access Statement does not explain what benefits this 'island' of development could bring to these assets. This scheme should be reconsidered in its wider context.

Nottingham Local Access Forum commented as follows:

Welcomes the aspirations to support and encourage sustainable forms of transport by the design of safe pedestrian routes both to and around the building, and by appropriate cycle parking provision. Cycle parking provision should be in accordance with City Council Standards, as set out in Nottingham Local Plan Part 2, Appendix 1. Provision should be secured via an appropriately worded planning condition. Provision should be made for the charging of e-bikes. With regard to the proposed Travel Plan, the timing of the appointment and length of operation of the Travel Plan Coordinator should be defined by conditions.

Extinction Rebellion Nottingham and MOZES commented as follows:

Objection raised on several grounds relating to adherence to Nottingham City's 2028 Net Zero Charter, the nature of the Energy Statement, its relationship to the submitted design and the ability to maintain the sustainability of proposed elements.

Suggested that the scheme needs a rethink about the following issues:

- The proposal needs to have a fully integrated environmental strategy with more ambitious targets and a committed plan for how this will be achieved and monitored in practice
- The design needs to incorporate all elements of the improved strategy both in terms of workable passive approaches and energy use, generation, and storage
- The design process can be assisted by environmental modelling and testing using an iterative process of improvement and testing until satisfactory results are achieved

- Future resilience needs to be an integral part of the strategy, particularly in terms of future overheating and the need to avoid any reliance on air conditioning to do this
- A whole life cycle approach needs to be included in the environmental strategy
- The landscape and planting strategy need to be considered for the building in its setting and be shown to be practical as a long-term solution

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions regarding: noise and dust management plan, air quality, an environmental noise assessment and sound insulation scheme, odour/ventilation, and contaminated land.

Highways: No objection subject to the submission of details to be secured by condition relating to a construction management scheme, the provision of electric vehicle charging points, the provision of a cycle storage, and the vehicular access/egress points off Ryehill Street and Meadows Way.

Drainage: No objection, subject to the development being undertaken in accordance with the submitted information.

City Archaeologist: No objection subject to a condition requiring submission of archaeological watching brief.

Environment Agency: No objection subject to conditions requiring the development be undertaken in accordance with the submitted plans and that the basement only be used for 'less vulnerable' uses.

Education Officer: The new Waterside Primary School should provide sufficient capacity to accommodate the minimal pupil yield from this development.

Biodiversity Officer: An ecological walkover survey is required, along with a scheme of ecological enhancements to comply with the Biodiversity SPD. The planting schedule and species list should be conditioned.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In determining applications that may affect heritage assets, paragraph 189 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 194 – 196 state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19 - Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE3: Change of use to non-employment uses

Policy EE4 - Local and Training Opportunities

Policy RE1: Facilitation Regeneration

Policy HO1: Housing Mix

Policy HO3 - Affordable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Biodiversity SPD (2020)

The Provision of open Space in New Residential and Commercial Development (2019)

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Even though the application site is not directly adjacent to a listed building or within a Conservation Area, the Canal Bridge on the opposite side of London Road is listed buildings and the Meadows Conservation Area lies to the south/southwest.

As such consideration needs to be given to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 places a duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. Additionally, section 72 states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.

7. APPRAISAL

Main Issues

- (i) Principle of the Development
- (ii) Design, Scale and Impact on Townscape and Heritage Assets
- (iii) Impact on the Amenities of Surrounding Residents and Future Occupants
- (iv) Highway Considerations
- (v) Other Matters

(i) Principle of the Development (Policies A, 7 and 8 of the ACS, Policies EE3, RE1 and HO1 of the LAPP)

- 7.1 Given the site's historic use for commercial purposes, policy EE3 of the LAPP require applications for the regeneration of previously-used employment sites and employment premises to be assessed against certain criteria. This policy seeks to ensure that there is a sufficient supply of alternative employment land and premises, and also factors in the regeneration benefits of a particular scheme. All three of the existing/former premises on this island site were essentially retail/food & beverage uses, for which there is felt to be sufficient alternative supply across the City. It should also be noted that the former restaurant and public house uses ceased some time ago and the site cleared pending redevelopment. On the other part of the site, the car wash business is clearly temporary in nature for this former PFS, the retention of which is not desirable in terms of its visual impact or the inefficient use of this longstanding brownfield site. Additionally, new job opportunities would be created through both the construction, and operation of the scheme, including within the proposed ground floor commercial units.
- 7.2 The application site occupies a prominent location on the approach to the City from the south, marking a point of arrival when passing over Trent Bridge. Whilst the site does not fall within any designated regeneration zone, it is a high profile brownfield site in the area between the Southside and Waterside Regeneration Zones. The proposed development would be a positive addition in regeneration terms and would also deliver comprehensive redevelopment of this entire island site.
- 7.3 The proposal would be compatible with the mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of public transport; bus, tram and train. The size and quality of the apartments is welcomed, providing an appropriate mix of largely 1 and 2 bed units.

7.4 In light of the above, the principle of the proposed scheme is considered to be acceptable in accord with policies A, 7 and 8 of the ACS, policies EE3, RE1 and HO1 of the LAPP.

(ii) Design, Scale and Impact on Townscape and Heritage Assets (Policies 10 and 11 of the ACS, Policies DE1, DE2, HE1 and HE2 of the LAPP. S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

7.5 The Civic Society and some local residents have raised concern about the scale/height of the proposed development. Taller concept designs were initially proposed by the applicant but these rejected and the submitted scheme developed through extensive pre-application discussions in relation to its design, scale, mass and form.

7.6 The scale of the building varies significantly in response to its context, and this change in storey height has become integral to the design concept with a series of very generous, south and west facing roof terraces and balconies. In urban design terms the scheme has been developed along the following principles:

- At its southern end the building is 3-5 stories in height where it addresses the northern side of a large road dominated, yet green 'space', that is enclosed on its eastern and western sides by buildings of a similar scale. This area forms the heart of Trent Bridge on the City side of the river, but currently lacks definition in large part due to the lack of enclosure and presence of the unsightly PFS on its northern side
- The main body of the building is situated on the eastern side of the site, alongside the wide and traffic dominated London Road. On the western side there are two projections towards Meadows Way that are 3 and 5 stories respectively, responding to the lower scale of buildings on the opposite side of the road. The 5 storey element in particular is opposite the recently completed 4 storey block at the southern end of the Arkwright Walk redevelopment.
- While the building is 9 stories at its highest point, its scale recedes dramatically as it rises so this is not its predominate scale. The north eastern corner of the site has been selected as the highest point to respond to context, as mentioned above, but also to maximise the south and westerly aspect of the roof terraces and balconies, facing towards the river.
- Commercial uses are incorporated to provide active ground floor frontages, also helping to strengthen the offer of Trent Bridge and the Embankment as a destination for local and citywide residents.
- Wide and unsightly vehicular entrances currently dominate this island site. These are replaced by a more discrete single entrance from Ryehill Street, along with a secondary exit solely for servicing and disabled driver vehicles through an area of public realm that forms the forecourt of the development fronting Meadows Way.
- Pavements are widened around the site, enhancing the experience for those navigating this currently unpleasant pedestrian environment in both a north/south and east/west direction.

7.7 In architectural terms the proposal has a unique appearance that is considered to benefit this prominent gateway site into the City. Its particular strengths are considered to be its stepped form with large terraces and the roof top vegetation that these will facilitate; the predominance of curves that incorporate generous

projecting balconies; the depth to the facades of the building provided by both the projecting and recessed balconies; and the living walls and planting boxes which are incorporated into the structure of the building.

- 7.8 External materials comprise a mix of brickwork, glazing (with decorative sun-shade screens incorporated into the window system), and some accent metal cladding that highlight the floors of the building.
- 7.9 Whilst the concerns raised regarding the height of the building are recognised, there is felt to have been a considered approach to its scale and mass that responds to its immediate context, yet is also a bold response to the gateway nature of the site. Although the sensitivities of its relationship with surrounding buildings have been taken into consideration as described above, this remains an island site that is set away from the more cohesive edge of the Meadows to the west and will always be a development with a degree of separation, set amidst roads and landscaped amenity land. This unique context is felt to reinforce the approach taken to the design of the scheme.
- 7.10 With regards to the impact of the proposal on local heritage assets, the crucial aspects for consideration are:
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the duty of having special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses
 - Section 72 of the same Act and the duty of preserving or enhancing the character or appearance of a building or land in a conservation area; and
- 7.11 The NPPF glossary (GPA3 - 'The setting of a Heritage Asset') states that: *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 7.12 In this instance, the Grade II listed canal bridge on the opposite side of London Road is the closest designated heritage asset to the site, which dates from 1792-3. It is modest in scale and largely below road level, being integral too and a feature of the canal. London Road at this point is five lanes wide with an additionally wide central reservation. The application site currently has a harmful visual impact upon its surroundings, including both this listed structure and the setting of the Meadows Conservation Area.
- 7.13 It is concluded above that the proposed development would have a positive visual impact upon the site and its surroundings. For the same reasons, it is also considered that it would enhance the setting of the listed canal bridge and Meadows Conservation Area. Long views of the City skyline, particularly the key vista from Trent Bridge that is referenced by the Civic Society, have been respected and no distant heritage assets would be blocked by the proposed development. Therefore, in relation to the statutory duty imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is concluded that the setting of the listed canal bridge and conservation area would be enhanced.
- 7.14 Overall, it is considered that the proposed development would provide a range of

positive benefits that would represent a significant enhancement when compared with the current site characteristics. Subject to precise materials, landscaping and building management details being secured by condition, it is considered that the development would be a positive addition to the site and wider townscape in accord with policies 10 and 11 of the ACS and policies DE1, DE2, HE1 and HE2 of the LAPP.

(iii) Impact on the Amenities of Surrounding Residents and Future Occupants (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.15 Representations received from some local residents have raised concern about the impact that the proposal would have on privacy and light to neighbouring properties, along with noise and disturbance during its construction and when occupied.
- 7.16 A Shadow Analysis submitted in support of the application demonstrates that there would be some impact on daylight and sunlight levels to residential properties to the west/northwest, in particular the recently constructed 4 storey block of apartments on the opposite side of Meadows Way. However, this would be limited to a relatively short period in the morning and to varying degrees during autumn, winter and early spring months. It is concluded that the impact would not be significant.
- 7.17 It is also felt that there is sufficient distance between the new building and neighbouring properties to the west so as not to cause any undue impact upon the privacy of their occupants. The distance between the adjacent 4 storey apartment block and the 5 and 9 storey elements of the proposed scheme would be 23m and 31m respectively. This relationship, either side of Meadows Way, is considered to be appropriate. Furthermore, the taller element has intentionally been positioned at a greater distance from these adjacent properties to respect their occupants' amenities.
- 7.18 Noise impact and air quality assessments have been submitted for consideration as part of the application, which have been reviewed by Environmental Health (EH) colleagues and are considered to be acceptable, particularly with regards the residential element of the proposed scheme. Standard conditions have been requested to address the mitigation measures to address these matters, along with details of the plant and extraction equipment required for the commercial uses. EH have also requested a Noise and Dust Management Plan and details of any piling, to minimise disturbance to nearby residents during construction.
- 7.19 The proposed accommodation is of a size that meets the Nationally Described Space Standards and as mentioned elsewhere, the scheme offers large roof terraces and balconies to the benefit of the future occupants' amenities.
- 7.20 The proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.

(iv) Highway Considerations (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.21 Some of the representations received raise concern about the level of traffic and congestion that would arise from the proposed development. The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that

would be detrimental to highway safety and to ensure that proposals include a sufficient package of measures to minimise journeys by private car and support journeys by sustainable modes of transport, in line with the transport hierarchy set out within policy 14 of the ACS.

- 7.22 The proposals include basement parking that is accessed off Ryehill Street (a one-way street). The access and egress arrangements are acceptable in principle as the applicant has reconfigured their design to ensure following:
- Access/egress from Ryehill Street is limited to right in/right out only from this one-way street. All right turning moves onto London Road from Ryehill Street would be prohibited as is currently the case, albeit this would be reinforced with further junction amendment
 - Provision for deliveries, commercial waste collection, disabled parking and drop-offs would be via a ground level one-way route that allows for egress onto Meadows Way
- 7.23 The site is located in a highly sustainable location in close proximity to multiple bus routes, cycle routes and within short walking distance of station, tram and City Centre. The proposed development provides 74 car parking spaces for the residents, each with an EVCP, and cycle parking both within the basement for residents and at ground level for visitors.
- 7.24 No objections have been raised by Highways colleagues and subject to their recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

OTHER MATTERS

Flood Risk (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.25 The site is located within Flood Zone 1 in accordance with Environment Agency Flood Map. The application has been reviewed by Drainage colleagues and the Environment Agency and no objection raised to the proposed development. The site has historically been occupied by built form and it is not considered that the proposed development would significantly alter the flood profile in the area. Finished floor levels have been designed within the building to reflect the flood profile of the site and surface water storage incorporated into the design of the building, to reduce surface water discharge during periods of intense rainfall. Subject to the proposed development being constructed in accordance with the submitted information and the finished floor levels recommended by the EA, it is not considered to result in flood risk concerns. The development therefore accords with policy 1 of the ACS and policy CC3 of the LAPP.

Archaeology (Policy HE1 of the LAPP)

- 7.26 A desktop archaeological assessment has been undertaken and reviewed by the Council's Archaeologist. The assessment has identified that there is either very low or low potential for any unknown archaeological remains to exist within the site which pre-date the early medieval period. Conditions relating to a programme of archaeological works, initially consisting of an archaeological watching brief, have been requested by the Council's Archaeologist and can be secured by condition.

Contamination (Policy IN2 of the LAPP)

- 7.27 A ground contamination report has been submitted with the application and reviewed by EH. They have raised no objection and requested standard conditions to deal with the risks associated with ground, groundwater and ground gas contamination of the site.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

- 7.28 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:

- Affordable Housing - £877,540
- Public Open Space - £143,387
- Local Employment and Training - £4,684

- 7.29 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. The assessor has found the scheme to be unviable if any of the required S106 contributions were to be paid and as such, no planning obligation will sought in this instance.

- 7.30 Policy 19 of the ACS and policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. These policies are therefore complied with on this basis.

8. Sustainability/Biodiversity (Policies 1 and 17 of the ACS, Policies CC1 and EN6 of the LAPP)

- 8.1 Following community consultation, the developer's architectural team have engaged with MOZES and subsequently appointed a consultant to explore options and measures to enhance the sustainability credentials of the development. An update on this matter will be reported to Committee.

- 8.2 As indicated in the recommendation, an ecological survey of the existing site has been requested prior to this application being finally determined.

- 8.3 For a development with little external space beyond the building footprint, the proposed development accommodates a significant amount of vegetation both on the extensive roof terraces and within the fabric of the building, the latter in the form of living walls and planting boxes incorporated within the balconies. An irrigation and drainage system is also to be built into the building to maintain the planting via grey water recycling. All of these measures would enhance the biodiversity value of the site in accord with policy EN6 of the LAPP and the Biodiversity SPD. The Biodiversity Officer has requested that a detailed planting schedule and species be secured by condition.

9 Financial Implications

As indicated above in relation to issue Planning Obligations, the applicant has submitted a viability appraisal that has been independently reviewed. The

conclusions of this review are that the scheme cannot support any S106 contributions.

10 Legal Implications

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

There is an overarching statutory duty imposed by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. Preserving means doing no harm. In addition, section 72 of the same Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.

11 Equality and Diversity Implications

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 20/02756/PFUL3- link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

NPPF (2019)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development
(2019) SPD

Contact Officer:

Mohammad Taufiqul Islam, Case Officer, Development Management.

Email: Mohammad.Taufiqul-Islam@nottinghamcity.gov.uk

NOMAD printed map



Copyright Nottingham City Council, © Crown Copyright and database right 2020. Ordnance Survey Licence number 100019317.

© Crown copyright and database right 2021. Ordnance Survey Licence number 100019317. Aerial photography © Getmapping Plc and Bluesky International Limited 2019. NOMAD print generated by a NOMAD user on 14/05/2021. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gl@nottinghamcity.gov.uk for high quality maps.

0 0.01 0.02 km



Key

 City Boundary

Description

No description provided





Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG
Tel: 0115 8764447
www.nottinghamcity.gov.uk

CBP Architects
CBP Architects
44 The Ropewalk
Nottingham
NG1 5DW
United Kingdom

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 20/02756/PFUL3 (PP-09317489)
Application by: C&T Bailey Properties
Location: 152 London Road, Nottingham, NG2 3BQ
Proposal: Erection of nine storey residential development with basement parking with ground floor gym and food and beverage facilities.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
Pre-commencement conditions
<p>(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)</p> <p>2. Prior to the commencement of development, a construction traffic management plan (including a demolition construction traffic management plan and a traffic management plan for above ground works) shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made for the parking of all site operatives, visitors and construction vehicles when loading and offloading during the construction period. The construction traffic management plan shall also include a construction traffic routing agreement.</p> <p>The approved plan shall be implemented at all times whilst the development is under construction.</p> <p><i>Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy DE1 and TR1 of the LAPP.</i></p>

DRAFT ONLY

Continued...



3. Prior to the commencement of development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

4. Prior to the commencement of development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

Reason: To ensure that amenity of the neighbouring residents are not adversely affected by noise and dust to accord with policy DE1 and IN2 of the LAPP.

5. Prior to the installation of any mechanical services plant or equipment, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The sound insulation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that future occupants of the building are not adversely affected by noise to accord with policy DE1 and IN2 of the LAPP.

6. Prior to the occupation of any restaurant/cafe use, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

7. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

The development shall only be implemented in accordance with the approved details.

Reason: To protect the amenities of adjacent occupants and to ensure that ground water is safeguarded to accord with policies CC3, DE1 and IN2 of the LAPP.



8. Prior to the commencement of any above ground development, large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the following detailed design elements shall be submitted to and approved in writing by the Local Planning Authority:
- a) Elevations: the glazing system/window frames, ventilation louvers (if any), decorative sun-shade panels, reveals, brick detailing and terrace/balcony balustrades;
 - b) Green infrastructure: the living wall system and planting areas integrated within the building structure, including details of the irrigation system.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with policy 10 of the ACS and policy DE1 of the LAPP.

9. No development involving the breaking of ground shall take place unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:

- a) an archaeological evaluation of the site;
- b) arrangements, supported by the conclusions of an archaeological evaluation, for the excavation of the affected areas, and the implementation of a watching brief during the course of the development;
- c) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
- d) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
- e) arrangements for the publication of a summary of the final report in an appropriate journal.

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.

Reason: To investigate the presence or absence of caves within the site and to ensure that any archaeological remains of significance are safeguarded in accordance with policy 11 of the ACS and policy HE2 of the LAPP.

10. Notwithstanding the submitted application documentation, prior to the commencement of above ground development, details of the sustainability measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development incorporates sustainable design features to accord with policy 1 of the ACS and policy CC1 of the LAPP.

11. Prior to first occupation, each parking space within the basement shall be provided with its own Electric Vehicle Charging Point, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport and to accord with policies CC1 and TR1 of the LAPP.



Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

12. Prior to first occupation of the development, verification that the approved scheme detailed in the Air Quality Assessment dated 13th October 2020 has been implemented and is fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the scheme approved to improve the air quality within the local area has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

13. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

14. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

15. Prior to their first use, verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development (including any mitigation measures) have been implemented, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

16. Prior to first occupation of any restaurant/cafe use, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of future occupants to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.



17. Prior first occupation of the development, a landscaping scheme (both hard and soft landscaping, including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site, in particular the living walls.

The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1 and EN6 of the LAPP.

18. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the cycle parking for minimum of 84 spaces in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Cycle parking provision shall be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS and TR1 of the LAPP.

19. Notwithstanding the approved drawings, the development shall not be occupied until the bin store and collection arrangements have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS and policy DE1 of the LAPP.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

20. The development shall be carried out in accordance with the approved Flood Risk Assessment and habitable areas within the development shall have finished floor levels set no lower than 26m AOD (except the bin store at 25.85mAOD).

The basement of the development shall be used for less vulnerable uses (classified within the Technical Guidance of the NPPF) only.

Reason: To ensure that the development is not placed at undue risk during a flood event to accord with policy CC3 of the LAPP.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 11 January 2021.

Reason: To determine the scope of this permission.



Informatives

1. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

2. Air Quality

The development is located within an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.



DRAFT ONLY

Continued...

Not for issue

3. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Verification that the approved sound insulation scheme has been implemented shall include;

The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

4. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers.

Dust/Grit and Other Fugitive Emissions

Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

DRAFT ONLY

Continued...



Wheel washing.
Periodic road cleaning.

5. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

6. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

7. Highways Informatives

The applicant is to ensure that vehicular accesses off Ryehill Street and Meadows Way are provided with sightlines to access, visibility splays, Road Safety Audits I, II and III with pedestrian priority access design to the bellmouth.

The applicant is to reinstate all redundant footway crossings with full height kerbs and make good the pedestrian footway where affected by the development works.

The applicant is to provide a pedestrian priority treatment to the bellmouth of Ryehill Street allowing for a reduced width to improve pedestrian crossing safety and accommodate the associated traffic to the new access. The applicant is to ensure a safe crossing treatment for pedestrians accessing the bus services along Meadows Way and accessing the existing pedestrian refuge crossing.

The applicant is to provide details to ensure any overhang above the adopted highway is considered for height and width impact on the highway network, safety and on passage and re-passage of vehicles, cyclists and pedestrians.

The applicant is to ensure they pursue a stopping up order as the development indicates the red line boundary takes in areas that are existing adopted highway.

The applicant has submitted Travel Plan information in the form of notice board details, a presentation for residents and other supporting data. This is acceptable in principle. The applicant is to contact James Ashton James.Ashton@nottinghamcity.gov.uk to discuss how the Travel Plan information is to be communicated to residents and provide the name of the Travel Plan Co-ordinator.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management on 0115 876 5293 or email Highway.Management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

Wards Affected: Hyson Green And Arboretum

Item No:

**Planning Committee
25th May 2021**

Report of Director of Planning and Regeneration

Westbridge House , Holland Street

1 Summary

Application No: 20/02618/PFUL3 for planning permission

Application by: Hockley Developments Ltd on behalf of Forsyth

Proposal: Conversion of existing warehouse to 12 apartments. New three storey building of 15 residential apartments on site of a previously demolished warehouse.

The application is brought to Committee because it is an application recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 31st May 2021

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

(i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;

(ii) prior completion of an agreement to secure a Section 106 planning obligation to secure the following:

- (a) an off-site Open Space contribution of £45,453, and;
- (b) an off-site Affordable Housing contribution of £53,000

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

3.1 The application site is located on the south side of Holland Street, proximate to

Radford Road. It is and was occupied by a range of two storey light industrial buildings positioned along the back edge of the footpath on Holland Street. There are further similar linked buildings to the rear, with the only undeveloped part of the site being at its western end where there is a service yard/parking area with an access off Holland Street. There are further light industrial buildings of a similar age to the west on Holland Street. To the south/rear is a complex of small light industrial units at Palin Court off Palin Street. To the east is the rear of buildings that front onto Radford Road, which have commercial ground floors with residential accommodation above. Opposite to the north on Holland Street are terraces of two storey residential properties and an enclosed vacant site that is being used for car parking.

- 3.2 Planning permission has been previously granted for the partial demolition and conversion of these buildings. Partial demolition works have commenced and works to implement the conversion element are on-going.

18/02666/PFUL3: Partial demolition and conversion from mixed use building (Class B1 and B8) to 22 residential apartments (Class C3), including two storey new build to southern boundary of site. External alterations.

20/01199/PVAR3: Variation of approved development, including demolition and two storey new build of section of buildings onto Holland Street and demolition of buildings to southern boundary of site, with revised floor plans (proposed variation to approved development for 22 residential apartments under Condition S1.

The applicant has now determined it necessary to review the new build element of the development, which is now being proposed as a three storey building rather than the previously approved two storeys and has submitted the current application.

4 Details of the proposal

- 4.1 The application proposal is for the conversion of remaining existing warehouse on Holland Street to 12 apartments. A new adjoining three storey building containing 15 residential apartments is also being proposed, replacing a previously demolished warehouse. Entrances to the apartments would be off Holland Street. Limited car parking is to be provided within an existing space at the western end of the buildings, via an existing vehicle access off Holland Street. There would be a communal courtyard space to the rear, which would include secure cycle storage. Bin storage would be at points within the ground floor plan and being serviced off Holland Street.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

1, 6 – 12(e), 26 – 30(e) Holland Street
39 – 61(o) Radford Road
Units 1A, 1B and 2 Gemstone Court
Units 4 – 7 Palin Court

The application has also been publicised by site and press notices. No neighbour responses have been received.

The following other responses have been received:

Environmental Health: This application is a revision of permissions 18/02666/PFUL3 & 20/01199/PVAR3. The main material difference from our perspective is that now the new build element is physically higher & therefore there may be less of a barrier effect / shielding from any noisy activities the units on Palin Street. The original noise assessment dated 16/06/2018 included of noise measurements at 1st floor level at the rear (Palin Street). It appears that the additional proposed accommodation will have a clear direct line of sight to most of the activity on Palin Street. Therefore, recommend that an update of the noise assessment is a condition requirement.

Whilst there is only a relatively small garden / landscaped areas, the submitted Ground Investigation Report indicates that there is asbestos below ground. The report's conclusion that there will effectively be no exposure pathway for future residents is accepted providing its recommendations are implemented. A compliance condition is recommended.

Drainage: All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application, and should prioritise incorporating rainwater re-use. For a major development which is situated within the catchment for the River Leen and Day Brook, we typically request that the surface water discharge rate is restricted to 5 litres per second per hectare or a flat rate of 5l/s (greenfield run-off rates). At the very minimum, we would seek a 30% betterment compared to the site's previous use. This must be supported by the relevant calculations and drainage strategy, which should be a condition of consent.

Education: No S106 request on the basis of the proposed mix and size of flats.

Nottingham University Hospital NHS Trust (NUH NHS Trust): A financial contribution is requested for additional secondary healthcare services to meet patient demand.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP)

Policy DE1: Building Design and Use

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

NPPF (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. Appraisal of proposed development

Main Issue

Whether:

- (i) The density, layout and design of development is appropriate for this location, having regard to the amenity of adjacent residential properties and the surrounding area.

- 7.1 The application site has no designation within the LAPP. It is adjacent to the Hyson Green Town Centre, which provides a wide range of local amenities including transport links to other parts of the city. Therefore, it is considered that the principle of the residential redevelopment of the site is appropriate within this context, providing sustainable accommodation in accordance with ACS Policy A. The proposed density, layout and design of development is considered to be appropriate to the character of the area and constraints of the reuse of the existing

warehouse building. No comments or objections have been received from local residents or businesses. It is, therefore, considered that the proposed development accords with ACS Policy 8.

- 7.2 The floorspace of the proposed flats are considered to provide units of good size, which have been revised to comply with the Nationally Described Space Standards in accordance with LAPP Policy DE1. Communal entrance points provide good access and circulation and refuse storage is located adjacent to Holland Street for convenient servicing. A communal courtyard space is provided to the rear which, albeit limit in size, will provide some external amenity for future residents as well as allowing sunlight and daylight to enter the flats to the rear. A secure cycle store is also provided within this courtyard space.
- 7.3 External alterations to the retained buildings are minimised through the reuse of existing openings and respect the character of the buildings through the retention and refurbishment of the existing fenestration.
- 7.4 The limited opportunity for the formation of car parking spaces is noted and considered to be acceptable in the context of the site's sustainable location, and is agreed by Highways subject to an advisory note to state that residents of the new development will not be eligible for parking permits within the existing schemes operating in the area.
- 7.5 It is, therefore, considered that the proposed development accords with Policy 10 of the ACS and Policies NE9, NE12 and T3 of the Local Plan.

8. Sustainability / Biodiversity

- 8.1 The application proposals provides for the appropriate reuse of the retained building. It had been anticipated through the first planning permission that the other warehouse building would be converted (18/02666/PFUL3), however this was subsequently found to be structurally unstable, with replacement new build being the approved alternative (20/01199/PVAR3). The current application is substantially based on this approved alternative but with an additional floor of apartments being provided. The proposed development remains sustainable insofar as it is located immediately adjacent to Hyson Green shopping centre, its other local amenities, and with good public transport links to the rest of the city.
- 8.2 New build construction will be to a 'fabric-first' approach to reduce energy consumption as an appropriate means to reduce carbon emissions. On this basis it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP. Opportunities to enhance the biodiversity of the site are significantly limited due to the sites previous use and noted below ground asbestos. The proposed development is therefore considered to comply with LAPP Policy EN6.
- 8.3 The response of the Drainage Team is noted and a condition requiring the submission and approval of a drainage strategy to minimise surface water run-off rates is recommended in accordance with LAPP Policy CC3.

9. Section 106 (LAPP Policies HO3 and IN4)

- 9.1 The applicant has submitted a viability appraisal with the application, which has been independently assessed. The Council's consultant's review of the assessment

has agreed that the scheme is unable to provide the full planning policy requirements, but had recommended that the applicant's offer be increased. The applicant has subsequently accepted the findings of the independent assessment and has agreed to the consultant's recommendation of an increased off-site affordable housing contribution of £53,000 (compared to the full policy-compliant figure of £219,385), plus a full open space contribution of £45,453.

- 9.2 It is therefore considered that a Section 106 based upon these amounts would accord with LAPP Policies HO3 and IN4, the Planning Guidance for the Provision of Open Space Within Developments SPG, and the Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.
- 9.3 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. However, given the viability issues referred to above, it is clear that the scheme cannot support full developer contributions, and that again, given the scheme's contribution to Council key objectives, it is proposed that no NUH NHS Trust contributions are sought.
- 9.4 Pre-application consultation has been carried out with the Council's Education team. Due to the proposed mix of smaller apartments, the proposed development would only generate a minimal number of primary and secondary school places. It has been confirmed that there are sufficient school spaces in the immediate area to accommodate this need and therefore that an education contribution in this particular instance be waived.
- 9.5 Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

10. Financial Implications

- 10.1 A financial contribution of £45,453 towards the provision of public open space in accordance Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance.
- 10.2 A reduced financial contribution of £53,000 (as independently assessed) towards the provision of affordable housing in accordance with Policy IN4 and the Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

11 Legal Implications

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

12 Equality and Diversity Implications

None.

13 Risk Management Issues

None.

14 Strategic Priorities

None.

15 Crime and Disorder Act implications

None.

16 Value for money

None.

17 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 20/02618/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKSZICLYG9G00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

NPPF (2019)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.


Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

NOMAD printed map



Key
 City Boundary

Description
 No description provided

My Ref: 20/02618/PFUL3 (PP-09303038)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Hockley Developments Ltd
FAO: Mr Ewan Cassell
15 Clarendon Street
Nottingham
NG1 5HR

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 20/02618/PFUL3 (PP-09303038)
Application by: Forsyth
Location: Westbridge House , Holland Street, Nottingham
Proposal: Conversion of existing warehouse to 12 apartments. New three storey building of 15 residential apartments on site of a previously demolished warehouse.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Page 45

Continued...

2. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme which has regard to the Acoustic Design Statement by Sound Solutions dated 18/06/2018 shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAm_{ax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

3. No development shall commence until a drainage strategy with a detailed drainage layout illustrating how the site will be drained has been submitted to and approved by the Local Planning Authority. For a major development situated within the catchment for the River Leen and Day Brook it is typically requested that the surface water discharge rate is restricted to 5 litres per second per hectare or a flat rate of 5l/s (greenfield run-off rates). At the very minimum a 30% betterment compared to the site's previous use will be sought. The drainage strategy as a minimum should contain:

- i. Details of how the surface water run-off will be managed,
- ii. Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- iii. Proposed Adoption of SuDS features (who will maintain the SuDS features),
- iv. Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
- v. Relevant surface water calculations from licenced software.

In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting occupants of the development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)



4. Prior to first occupation of the development, all soft landscaping areas shall be laid with a clean cover layer consisting of:
- a) A 600mm of clean topsoil / subsoil, above
 - b) A high visibility geotextile membrane, above
 - c) A 200mm hard dig layer

All other landscaping areas shall be consistent with the proposals set out in drawings Westbridge House - Proposed External Works Site Section WH-P2-2091-C-# and Westbridge House - Phase 2 - External Works Key Plan WH-2090P2-C-#.

Furthermore a Verification Report shall be submitted to and be approved in writing by the Local Planning Authority providing verification of the cover layer, its depth and in situ testing of soils at appropriate depths at the rate of 2 samples per garden for a standard suite of metals, asbestos, PAHs and TPHs.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

5. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

6. The development shall not be occupied until the approved secure cycle storage provision has been implemented in accordance with the approved drawings, which shall thereafter be retained for use in association with the approved development.

Reason: In the interests of ensuring the provision of this facility for residents and opportunity for sustainable travel choices.

7. The development shall not be occupied until the parking area has been provided with the parking spaces marked out in accordance with the approved plans. The parking area shall thereafter be retained for the life of the development.

Reason: In the interest of ensuring the provision of this minimum number of parking spaces and therefore to minimise the impact upon levels of on-street parking in the area in accordance with Policy 10 of the Aligned Core Strategies.

8. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for each car parking space to be supplied with an electric charging point in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To enable future occupiers to make green vehicle choices and to comply with paragraph 110 of the National Planning Policy Framework (February 2019)

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

9. No significant alteration to the landscaping surfaces on site shall take place without the prior



approval of the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference WH-P2-2100-PL-B
Drawing reference WH-P2-2200-PL-B
Drawing reference WH-P2-2300-PL-C
Drawing reference WH-P2-2400-PL-B
Drawing reference WH-P2-2010-PL-B
Drawing reference WH-P2-2090-P2-PL-A

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Contaminated Land, Ground Gas & Groundwater

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.



DRAFT ONLY

Not for issue

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

5. It should be noted that the new residential units will not be eligible for parking permits for the on-street parking schemes in the vicinity.

6. For further information on the requirements for electric vehicle charging points, please contact Rasita Chudasama (rasita.chudasama@nottinghamcity.gov.uk; 0115 8763938).

7. Planning consent is not consent to work on or from the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

8. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

9. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 20/02618/PFUL3 (PP-09303038)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 48

- 6 -

Wards Affected: St Anns (May 2019)

Item No:

**Planning Committee
25th May 2021**

Report of Director of Planning and Regeneration

Playworks, Alfred Street North

1 Summary

- Application No: 21/00230/PFUL3 for planning permission
- Application by: Hockley Developments Ltd Mr Lavan Siva on behalf of Mr Alan Forsyth
- Proposal: Change of use of existing rehearsal and recording studios (D1 use class) to 16 apartment units (C3 use class).

The application is brought to Committee because the application is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies . To meet the Council's Performance Targets this application should have been determined by 18th May 2021. An extension of time has been agreed in principle with the applicant.

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £5,000 towards affordable housing
 - (ii) A financial contribution of £5,000 towards open space improvement
 - (b) Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.2 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 The application site is a council owned building which is in the process of being sold. The site also known as St Andrews Hall was most recently used in 2019 as a rehearsal and recording studio. It is understood that the building has been empty for approximately 2 years. The building has two distinct elements; the element fronting Alfred Street North which is grand double fronted Victorian brick built two storey element with a hipped tile roof line. Beyond this is a large pitched roof hall

which is attached to the listed Oldknows factory to the north. Single storey infill elements have been added on the eastern elevation fronting St Ann's Way.

- 3.2 Immediately to the west and beyond the development site is a car park associated with the Oldknows factory. The frontage of the building is separated by existing railings with a slim area of scrub land separating the back edge of the pavement from the side (east) elevation of the property.
- 3.3 The area is mixed use in character with residential properties to the east, Oldknows factory to the north contains a variety of commercial/office uses and to the south is the recently demolished former public house; The Mechanics Arms which was granted consent for the construction of 16 supported living flats.

4 Details of the proposal

- 4.1 Planning permission is sought for the change of use of the building to 16 x 1 bed apartments. Minor external alterations to the building are proposed notably the blocking up of existing doorways and creation of new window openings on the side elevations.
- 4.2 Access is gained from the front of the building with the ground floor providing 7 units. At first floor are a further 9 1 bed duplex apartments and an internal bike store for up to 16 bikes. The basement of the building would provide communal storage areas.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

16 neighbouring properties consulted; Oldknows factory to the north, Bangor Walk to the east and Alfretton St North to the south.

Site and press notices displayed.

Three letters of representation received raising the following points:

- Concern regarding increased litter from new occupiers
- Concern regarding outlook from ground floor flats in particular 3,4,5,6 and 7 which are all too deep to allow natural ventilation and light
- How will the development contribute towards Nottingham 2028 zero carbon? Solar panels and/or heat pumps should be incorporated
- Biodiversity should be maximised with green walls, roofs and nesting boxes where appropriate
- Will the scheme have grey water recycling?
- 20% affordable housing should be provided
- 10% of rooms should be accessible
- Will existing windows be upgraded?

Nottingham Civic Society

We support the proposed conversion of this undesignated heritage asset to residential use but has some reservations about the window replacement strategy. The building is a well-designed Edwardian community hall with a classical frontage including a cupola upon its roof. The building adjoins the complex of the Victorian Grade II listed Oldknow's Factory and together they represent an island of buildings which characterise the Old St Ann's district before the comprehensive residential redevelopment of the 1970s. This building has been submitted as a candidate for Nottingham's Local List because of its architecture and community associations.

The hall building to the rear does retain some of its original timber multi pane casement windows which give character to the Edwardian building. It would be a pity to lose these original windows but if these have to be replaced for insulation reasons, the UPVC replacement should emulate the window original small-paned pattern. The existing frames do actually provide a heavy horizontal section between upper and lower windows which could be used to disguise the new floor that is proposed to subdivide the space.

Additional consultation letters sent to:

Pollution Control: No objection subject to submission of a noise and insulation assessment

Drainage Officer: No comments to make

Education Officer: No claim sought due to all 1 bed units

Employment and Training: No objection subject to compliance with an employment and training plan

6 Relevant policies and guidance

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Aligned Core Strategies (2014):

- Policy 1 - Climate Change
- Policy 6 – Role of Town and Local Centres
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 17 – Biodiversity
- Policy 19 – Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 – Water
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 – Trees
- Policy TR1 – Parking and Travel Planning
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene and Setting of Adjacent Listed Building.
- (iii) Impact on Residential Amenity.
- (iv) Sustainability.
- (v) Planning Obligations

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policy HO1)

- 7.1 Policy 8 of the ACS states that new residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, and supports the provision of family housing in Nottingham. This policy is reinforced by LAPP Policy HO1, which seeks the provision of family housing in the city where practicable. The proposal seeks to convert, without extending an existing building. Given tight boundary constraints there is an inability to provide outside space or vehicle parking. The lack of parking and private outside space is considered to be less suited to larger family sized units and the provision of one bed units is therefore in principle considered to be acceptable.
- 7.2 A recent Housing Market Assessment has been carried out in Nottingham and has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham. The site is in a sustainable location in close proximity to Huntingdon Street and Mansfield Road which provides local amenities and easy transport links to the city centre. The proposal would provide 8 x 1 bed units and 8 x 1 bed duplexes ranging in size from 39m² to 51m². The location and proposed number of flats are considered to be acceptable and weight is given to the proposal which would bring a building back into use to the benefit of the vitality of the area.

Issue (ii) Design and Impact on the Streetscene and Setting of Adjacent Listed Building (ACS Policies 10 and 11 and LAPP Policies DE1, DE2 and HE1)

- 7.3 The building and in particular the red brick frontage to Alfreton Street North is considered to positively contribute to the character of the area. The rear element which is attached to the Grade II listed Oldknows Factory is much simpler and functional in its design. The building as a whole is considered to have a neutral impact/cause no harm to the setting of the neighbouring listed building. The proposed conversion is considered to be sensitive with existing window openings retained and replacement windows proposed to improve thermal values. New window openings are proposed in the side elevations and windows proposed to replace existing commercial doors. The comments from the Civic Society are noted and window and door details shall be controlled via condition to ensure an acceptable finish.
- 7.4 Paragraph 200 of the NPPF states that proposals that preserve or make a positive contribution to the setting of listed buildings should be treated favourably. The reuse of the building would contribute to the vitality of the area and bring a building back into use which is of some architectural merit. The proposed conversion is modest in scale and given the minor external changes proposed is considered to have no negative impact on the setting of the adjacent Grade II listed Oldknows Factory. The proposal subject to condition would accord with ACS Policies 10 and 11, LAPP Policies DE1, DE2 and HE1 and guidance contained within the NPPF.

Issue (iii) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.5 Having regard to the layout of the development, the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Whilst comments regarding the depth of

units are noted in relation to light and ventilation, units are served by generous window openings.

- 7.6 Discussions have been had with the applicants regarding outlook from units on the eastern elevation which would have windows in close proximity to the back edge of the pavement. The applicant has proposed hedge planting which would offer a degree of defensible space. In the interests of outlook for residents it is recommended that the bottom half of ground floor windows in this elevation be obscure glazed and this can be controlled via condition.
- 7.7 All units would meet the minimum National Space Standards and are considered to offer a reasonable level of amenity for future occupiers. Pollution Control colleagues have reviewed the proposal and raised no objection subject to the submission of a noise and insulation scheme which again can be secured via condition. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the LAPP.

Issue (iv) Sustainability (ACS Policies 1 and LAPP Policies CC1 and CC3)

- 7.8 The council is committed to Carbon Neutrality by 2028 and an action plan has been produced setting out how this is to be achieved. However, planning applications must be assessed in the light of the national and local planning policies in place at the time the application is determined. Mandatory energy performance standards for all new homes are now incorporated into Building Regulations, rather than to be achieved by the planning process. There is no Local Plan policy regarding the amount of energy to be provided by renewables.
- 7.9 The applicant has indicated that the development would have no gas connection thus reducing reliance on fossil fuels. New uPVC windows would be installed to improve thermal efficiency of the building. Discussion has been had relating to the use of solar panels on the east and west roof slopes but no agreement yet reached. Weight is also given to the reuse of an existing building and the carbon saving that is made through retention rather than demolition and rebuilding. The proposal is considered to comply with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan Part 2.

Issue (v) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2 and IN4)

- 7.10 A policy compliant planning obligation for the proposed development would be expected to provide a total contribution of £164,334 in lieu of on-site provision comprising affordable housing (£140,406) open space enhancement (£21,436) and employment and training (£2,492).
- 7.11 The applicants have submitted a viability appraisal which has been independently appraised by CP Viability on the Council's behalf. CP Viability conclude that the development is not viable with the full burden of required obligations, however a contribution of £10,000 can be provided. The applicant has agreed to provide this contribution which will be split evenly between affordable housing provision and open space enhancement and secured via section106 agreement.

The proposal is considered to accord with ACS Policies 8 and 19 and LAPP Policies EN2 and IN4.

8. Biodiversity (ACS Policy 17 & LAPP Policy EN6)

The site offers limited potential in terms of provision of green space given the tight boundaries to existing built form. The applicant has however indicated that native *Pyracantha* planting shall be provided along the eastern boundary which would be beneficial to local biodiversity as well as providing some defensible space to future occupiers. The same treatment would be planted to the front of the building in place of existing railings. The applicant has also indicated that bird and bat boxes can be installed as part of the refurbishment of the building and precise planting and ecology box positions can be secured via condition. The proposal is considered to accord with ACS Policy 17 & LAPP Policy EN6.

9 Financial Implications

As noted above, a policy compliant planning obligation for the proposed development would be expected to provide a contribution of £164,334 in lieu of on-site provision of affordable housing, enhancement of existing areas of open space, and towards facilitating local employment and training. Through viability appraisal a reduced contribution of £10,000 has been agreed which would be secured via S106 and split equally between Affordable Housing and Open Space enhancement.

10 Legal Implications

There is an overarching statutory duty imposed by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. Preserving means doing no harm.

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 Equality and Diversity Implications

None

12 Risk Management Issues

None

13 Strategic Priorities

Neighbourhood Nottingham: Providing a high quality and sustainable development

14 Crime and Disorder Act implications

None

15 Value for money

None

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 21/00230/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNX7ELYJ2E00>

17 Published documents referred to in compiling this report

Nottingham Local Plan Part 2 (January 2020)

Aligned Core Strategies (September 2014)

NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

NOMAD printed map



Copyright Nottingham City Council, © Crown Copyright and database right 2020. Ordnance Survey Licence number 100019317.
 © Crown copyright and database right 2021. Ordnance Survey Licence number 100019317. Aerial photography © Getmapping Plc and Bluesky International Limited 2019.
 NOMAD print generated by a NOMAD user on 14/05/2021. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.

Key

 City Boundary

Description

No description provided

My Ref: 21/00230/PFUL3 (PP-09431799)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Hockley Developments Ltd Mr Lavan Siva
15 Clarendon Street
Nottingham
NG1 5HR

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 21/00230/PFUL3 (PP-09431799)
Application by: Mr Alan Forsyth
Location: Playworks , Alfred Street North, Nottingham
Proposal: Change of use of existing rehearsal and recording studios (D1 use class) to 16 apartment units (C3 use class).

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

DRAFT ONLY

Not for issue

2. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

The sound insulation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

In the interests of amenity of future occupiers and to accord with policy DE1 of the LAPP

3. Prior to the installation of any new/replacement windows and doors large scale elevations and sections of said openings shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out in accordance with the approved details.

Reason: To ensure that the character and appearance of the building is preserved and to ensure a satisfactory residential environment, to comply with Policies DE1 and HE1 of the LAPP and Policies 10 and 11 of the ACS.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

4. Prior to occupation, details of biodiversity measures to be incorporated within the fabric of the building in addition to details to enhance biodiversity relating landscape provision shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of enhancing biodiversity and to accord with policy EN6 of the LAPP.

5. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

In the interests of amenity of future occupiers and to accord with policy DE1 of the LAPP

6. Prior to first occupation a scheme for the partial obscuring of windows contained at ground

DRAFT ONLY

Not for issue

floor level in the eastern elevation of the building shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with policy DE1 of the LAPP

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 16 February 2021.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

4. The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Verification that the approved sound insulation scheme has been implemented shall include;
The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

DRAFT ONLY

Not for issue

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

5. The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:

Separating walls, floors & associated flanking transmissions for new buildings
Internal walls, floors & stairs for new buildings
Dwelling houses & flats formed by a material change of use
Rooms for residential purposes
Common internal parts of buildings containing flats or rooms for residential purposes .

Approved Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated e.g. not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

DRAFT ONLY

Not for issue

RIGHTS OF APPEAL

Application No: 21/00230/PFUL3 (PP-09431799)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

DRAFT ONLY
Not for issue

Page 62

Wards Affected: Basford (May 2019)

Item No:

**Planning Committee
25th May 2021**

Report of Director of Planning and Regeneration

450-452 Nottingham Road, Nottingham

1 Summary

- Application No: 20/01868/VS106A
- Application by: Jackson Design Associates on behalf of Federici Brothers
- Proposal: Variation of Section 106 agreement dated 27th December 2019 to reduce contributions due to commercial viability constraints

The application is brought to Committee because it relates to the discharge of an existing planning obligation and therefore waiver of obligations normally required by adopted planning policies. The application was due to be determined by 21/10/20 and an extension of time for determination has been agreed in principle with the applicant.

2 Recommendations

- 2.1 To GRANT authority to enter into a Deed under section 106A(2) of the Town and Country Planning Act 1990, to discharge by agreement the planning obligation dated 27 December 2019 ,subject to which planning permission (ref 18/01382/PFUL3) was previously granted.**

3 Background

- 3.1 Planning permission (ref 18/01382/PFUL - Proposed residential development with an element of retail/commercial at ground floor (amended scheme to include retention of existing building)) subject to conditions and the prior completion of a planning obligation was granted in December 2019 for a largely residential development situated on the corner of Nottingham Road and Lincoln Street within Basford.

The area is mixed use and the development site composed of a mix of buildings, the most prominent on the corner is a former Midland bank. Following prolonged negotiations a scheme was approved which saw the demolition of existing buildings with the exception of the former bank which would be retained and integrated as part of the redevelopment of the site. Three floors of new contemporary accommodation sit alongside the former bank providing 30 new units (20 x 2 bed and 10 x 1 bed) with ground floor retail/commercial space on the corner of Nottingham Road and Lincoln Street. The bank itself is converted into 2 apartments. Car parking for the development and to support the retail element is positioned to the rear of the building.

- 3.2 The planning obligation entered into sought to provide the following contributions:

- Affordable Housing - £234,000

- Open Space - £22,773
- Employment and training - £6,736

3.3 The applicant has now undertaken a viability assessment which concludes that the development is unviable with the burden of the contributions as outlined above.

4 Details of the proposal

4.1 As stated above the applicant has undertaken a viability assessment which concludes that the development is unviable with the burden of the contributions as outlined above. The applicant is seeking to discharge the approved agreement by virtue of s106A of the Town and Country Planning Act 1990 so that development can occur with no contributions provided.

5 Consultations and observations of other officers

None. (This is not a formal application under s106A3 and so is not subject to statutory requirements with regard to consultation/publicity.

6 Relevant policies and guidance

NPPF – para 57 - Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Aligned Core Strategies (2014):

Policy 19 – Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy EE4: Local employment and training opportunities

Policy EN2 - Open Space in New Development

Policy HO3 - Affordable Housing

Policy IN4 - Developer Contributions

Other relevant guidance

The government has produced comprehensive guidance advising how viability should be considered in planning decisions- <https://www.gov.uk/guidance/viability> and published this, alongside the Planning Practice Guidance entitled the Use of planning obligations and process for changing obligations – updated 01.09.2019

Both confirm that planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so.

7. Appraisal

- 7.1 This is an application to discharge the Section 106 planning obligation entered into as a prerequisite to the grant of planning permission ref18/01382/PFUL3. As such, the planning merits of the development are not under consideration, and the council is only considering the question of whether or not the development should proceed without the Section 106 obligations previously agreed. The application is submitted on the basis of a viability assessment by Innes England to establish the level of Section 106 contribution that the development can support.
- 7.2 The Planning Practice Guidance recommends that an executive summary be provided and made publically available relating to matters of viability. The viability assessment can be summarised as:
- 7.3 Gross Development Value: £4,887,160
Construction costs and fees (excluding S106, profit and land costs): £4,046,111
Balance: £841,049
- 7.4 The outstanding balance even without S106 contributions is insufficient to cover land costs and a reasonable developer profit (with an industry standard of around 15%). The National Planning Policy Framework advises that an assumption of 15 to 20% of Gross Development Value may be considered as a suitable return in order to establish the viability of planned policies. A figure at the lower end of this range of 15% has been adopted for the purposes of the viability assessment.
- 7.5 The applicant has stated that there is interest in the site from developers and the potential for a Joint Venture (JV) development. This would enable the applicant; who is the land owner and a brownfield site developer to share the development risk. By undertaking a JV development, risk and cash flow would be shared and an acceptance of a lower rate of return; anticipated to be 7-8%. The applicant sees this as the only way to allow the scheme to progress, which could have the benefit of stimulating further development in the area and providing further homes within the city.
- 7.6 The submitted viability appraisal has been reviewed independently by CP Viability on behalf of the Planning Authority and the same conclusions reached that the scheme is now unviable with any S106 contribution. CP Viability have commented further that based on the proposed land value and anticipated build costs that the development financially would be unlikely to appear attractive to a future developer given the relatively low rate of potential profit and level of risk. This has been discussed with the applicant to get a better understanding of how they see the site being developed. They have stated that there is interest in the site from developers and the potential for a Joint Venture between the applicant and a brownfield site developer is being explored, which would share the risk. This has been considered by CP Viability who states that a joint venture development could be plausible, however profit levels would appear to be relatively low and risk relatively high. Whilst the comments from our assessor are noted officers consider that formally how a development is brought forward sits outside the planning process. Fundamentally an assessment has been provided which demonstrates that policy compliant S106 contributions cannot be supported and this is not disputed.
- 7.7 Approval is therefore sought for the authority to enter into a deed of discharge of the S106 obligation as outlined in the recommendation above.

8. Sustainability / Biodiversity

The proposal raises no such issues to be considered at this time.

9 Financial Implications

Approval will remove all previously sought policy compliant contributions (Affordable Housing, Open Space, Employment and Training). A completed, occupied development has the potential to contribute to the vitality of the area and positively contribute by way of council tax and business rates.

10 Legal Implications

Under s106A (1) of the Town and Country Planning Act 1990, a local planning authority has a general discretion to entertain an application and reach an agreement to modify or discharge a planning obligation, prior to the expiry of the five year period (specified under s106A (3) of the Town and Country Planning Act 1990) before a formal application to discharge or modify can be submitted, This discretion is not unfettered and must be exercised to further the aims of the statutory scheme in section 106A, that is to say for planning purposes, and must not be exercised in a manner that is unreasonable. An unreasonable decision or an irrational failure to make a determination would be amenable to judicial review.

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham – Providing a high quality and sustainable residential development, particularly promoting housing for families

Safer Nottingham – Providing a residential development with secure property boundaries and well surveilled streets, routes and open spaces

14 Crime and Disorder Act implications

None.

15 Value for money

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

Section 106 Agreement, 27/12/19

17 Published documents referred to in compiling this report

18/01382/PFUL3 - Proposed residential development with an element of retail/commercial at ground floor (amended scheme to include retention of existing building). Approved December 2019

Aligned Core Strategies (2014)

Local Plan Part 2 - Land and Planning Policies (January 2020)

s106A of the Town and Country Planning Act 1990

PPG - Planning obligations - Use of planning obligations and process for changing obligations. -01.09.2019

Government guidance advising how viability should be considered in planning decisions- <https://www.gov.uk/guidance/viability>

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043


NOMAD printed map



Copyright Nottingham City Council, © Crown Copyright and database right 2020. Ordnance Survey Licence number 100019317.
 © Crown copyright and database right 2021. Ordnance Survey Licence number 100019317. Aerial photography © Getmapping Plc and Bluesky International Limited 2019.
 NOMAD print generated by a NOMAD user on 14/05/2021. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.



Key

 City Boundary

Description

No description provided